

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LENA ARISTON,

No. 3:21-CV-01669-HL

Plaintiff,

ORDER

v.

UNITED STATES POSTAL SERVICE;  
LOUIS DEJOY, Postmaster General of the  
United States; and UNITED STATES MERIT  
SYSTEMS PROTECTION BOARD,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Andrew Hallman issued a Findings and Recommendation on August 1, 2023, in which he recommends that this Court grant in part and deny in part Defendants' Motion to Dismiss. F&R, ECF 41. The matter is now before the Court pursuant to 28 U.S.C.

§ 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings and Recommendation. Pl. Obj., ECF 43. When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the Findings and Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

### CONCLUSION

The Court adopts in full Magistrate Judge Hallman's Findings and Recommendation [41]. Therefore, Defendants' Motion to Dismiss [ECF 31] is GRANTED in part and DENIED in part. Plaintiff's fourth claim for relief, alleging discrimination based on age, is DISMISSED without prejudice. Plaintiff's second, fifth, and sixth claims for relief, alleging hostile work environment and constructive discharge, are DISMISSED with prejudice. Plaintiff's seventh claim for relief, alleging a failure to act, is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED: September 26, 2023.

  
MARCO A. HERNÁNDEZ  
United States District Judge